

Serial No. 10/604,372  
Filed: 07/15/03  
Page 10 of 14

Examiner: John Juba, Jr.  
Group Art Unit: 2872

### **Remarks/Arguments**

Claims 1, 3-9, 15, 17-26, and 29-43 are pending in the application. Claims 41-43 stand allowed, and claims 18-23, 26, and 36-40 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant appreciates the Examiner's notification of allowable subject matter.

Claims 1, 3-9, 15, 17, 24, 25, and 29-35 stand rejected. Claims 1, 15, and 29 have been amended to more particularly and distinctly claim the subject matter that Applicants believe to be their invention and not for the purpose of avoiding prior art. Applicant has also added new claims 44-55 to capture allowable subject matter indicated by the Examiner. No new matter has been added by the foregoing amendment, full support therefor being shown in the drawings and specification as filed. All claims remaining in the application are believed to now be in condition for allowance.

Paragraph [0004] of the specification has been amended in response to an objection relating to the use of an alleged trademark.

Further examination and reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **Objections to the Specification**

The specification, paragraph [0004], is objected to for the use of the alleged trademark "ChronoTherm" without an appropriate trademark identifier. The objection is respectfully traversed.

ITW ChronoTherm as used in paragraph [0004] refers to a subsidiary company of Illinois Tool Works, not to a trademark. Although the trademark "ChronoTherm" is registered with the U.S. Trademark Office, it is not owned by either Illinois Tool Works or ChronoTherm U.S., and

Serial No. 10/604,372  
Filed: 07/15/03  
Page 11 of 14

Examiner: John Juba, Jr.  
Group Art Unit: 2872

is not used for the product or process referred to in the specification. Thus, as used in the specification, ChronoTherm is not a trademark and need not be identified as such.

Nevertheless, paragraph [0004] has been amended to clarify that ITW ChronoTherm is an Illinois Tool Works company.

**Claim Rejections - 35 U.S.C. §102(b)**

Claims 1, 15, and 29 stand rejected under 35 U.S.C. 102(b) as allegedly anticipated by U.S. Patent No. 4,942,286 to Monter, et al. The rejection is respectfully traversed.

Claim 1 has been amended to describe a vehicular mirror having, among other elements, a heater element "formed from a sheet of heat conductive material having a perimeter, and the perimeter being sizable by stretching said sheet of heat conductive material from an initial smaller dimension to a final larger dimension" to conform to an effective area of a mirror.

Claim 15 has been amended to describe a heater element for a vehicular mirror "wherein the perimeter of the heater element is selectively sizable by stretching said heater element from an initial smaller dimension to a final larger dimension" to conform to a size of a mirror.

Claim 29 has been amended to describe a method of manufacturing a vehicular mirror assembly comprising, among other steps, forming a heater element from a sheet of heat conductive material having a perimeter, and sizing the heater element by stretching the sheet of heat conductive material from an initial smaller dimension to a final larger dimension to conform to an effective area of a mirror.

Monter '286 describes a conductive polymer which has a positive temperature coefficient of resistivity and which is laminated and die cut to form a heater assembly for a vehicular mirror. Monter '286 does not disclose stretching the conductive polymer from a smaller dimension to a larger dimension in order to conform to different sizes of mirror. Thus, claims 1, 15, and 29, as amended, are not anticipated by Monter '286.

Serial No. 10/604,372  
Filed: 07/15/03  
Page 12 of 14

Examiner: John Juba, Jr.  
Group Art Unit: 2872

Claims 15 and 17 stand rejected under 35 U.S.C. 102(b) as allegedly anticipated by French Patent No. 2,666,717 to Castellano. The rejection is respectfully traversed.

Castellano '717 discloses an array of electrically resistive and conductive elements arranged on a flexible dielectric laminar substrate which can conform to convex mirrors, or mirrors having a complex curved surface. Castellano '717 does not disclose stretching the array or substrate from a smaller dimension to a larger dimension in order to conform to different sizes of mirror. Thus, claims 15 and 17, as amended, are not anticipated by Castellano '717.

For the above reasons, claims 1, 15, 17, and 29 are in condition for allowance. Applicant requests that the rejection be withdrawn and that a notice of allowance be issued.

**Claim Rejections - 35 U.S.C. §103(a)**

Claims 1, 3-9, and 29-33 stand rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Castellano '717 in view of British Patent No. 2,250,406 to Aumercier. The rejection is respectfully traversed.

As discussed above, Castellano '717 does not disclose stretching a sheet of heat conductive material from a smaller dimension to a larger dimension in order to conform to different sizes of mirror. Aumercier '406 also does not disclose stretching a sheet of heat conductive material from a smaller dimension to a larger dimension in order to conform to different sizes of mirror. Thus, the combination of Castellano '717 and Aumercier '406 cannot disclose this element of amended claims 1 and 29. Consequently, claims 1, 3-9, and 29-33, as amended, are not unpatentable over Castellano '717 in view of Aumercier '406.

Claims 24, 25, 34, and 35 stand rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Castellano '717 and Aumercier '406, and further in view of U.S. Patent No. 5,099,104 to Holzer et al. The rejection is respectfully traversed.

Claims 24 and 25 depend from amended claim 15, and claims 34 and 35 depend from amended claim 29. As discussed above, amended claims 15 and 29 require a sheet of heat

Serial No. 10/604,372  
Filed: 07/15/03  
Page 13 of 14

Examiner: John Juba, Jr.  
Group Art Unit: 2872

conductive material which is stretched from a smaller dimension to a larger dimension in order to conform to different sizes of mirror. Thus, claims 24, 25, 34, and 35 require a sheet of heat conductive material which is stretched from a smaller dimension to a larger dimension in order to conform to different sizes of mirror.

Neither Castellano '717 nor Aumercier '406 discloses such a structure. Holzer '104 also does not disclose a mirror assembly comprising a sheet of heat conductive material which is stretched from a smaller dimension to a larger dimension in order to conform to different sizes of mirror. Thus, the combination of Castellano '717, Aumercier '406, and Holzer '104 does not disclose the inventions described in claims 24, 25, 34, and 35.

For the above reasons, claims 1, 3-9, 24, 25, and 29-35, as amended, are in condition for allowance. Applicant requests that the rejection be withdrawn and that a notice of allowance be issued.

#### **Allowable Subject Matter**

The Examiner has indicated the allowability of claims 41-43. The Examiner has also indicated the allowability of claims 18 - 23, 26, and 36-40 if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 18-23 and 26 depend from claim 15. Since, for the reasons discussed above, amended claim 15 is allowable, claims 18-23 and 26 are allowable without further amendment.

Claims 36-40 depend from claim 29. Since, for the reasons discussed above, amended claim 29 is allowable, claims 36-40 are allowable without further amendment.

In addition, the Applicant has rewritten allowable claims indicated by the Examiner into new claims 44-55. These claims are in condition for allowance as well.

Serial No. 10/604,372  
Filed: 07/15/03  
Page 14 of 14

Examiner: John Juba, Jr.  
Group Art Unit: 2872

**Conclusion**


For the reasons discussed above, all claims remaining in the application are allowable over the prior art. Early notification of allowability is respectfully requested.

Applicant respectfully requests an Advisory Action be issued in this case. If there are any remaining issues which the Examiner believes may be resolved in an interview, the Examiner is respectfully invited to contact the undersigned.

Respectfully submitted,  
IAN BODDY

Dated: April 22, 2005

By: \_\_\_\_\_

  
G. Thomas Williams, Reg. No. 42,228  
MCGARRY BAIR PC  
171 Monroe Avenue, NW, Suite 600  
Grand Rapids, Michigan 49503  
616-742-3500

G0163118